

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 23729 Permit 16454 License _____

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
ADDITION OF NEW TERMS, AND AMENDING
THE PERMIT**

WHEREAS:

1. Permit 16454 was issued to Sky L'onda Mutual Water Company on August 7, 1972 pursuant to Application 23729.
2. Permittee filed a petition with the State Water Resources Control Board (SWRCB) in 1982 for an extension of time within which to continue development of the project and apply the water to the proposed use. An extension of time was approved to apply water to the proposed use by December 12, 1992.
3. Permittee filed a second petition for an extension of time within which to develop the project and apply water to the proposed use on February 4, 1997.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. To clarify the rate and amount of water used, a permit condition defining the maximum diversion rate and requirement installation of a measuring device shall be added to the permit.
6. Fish, wildlife, and plants species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.
7. The permit condition pertaining to continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit is amended to read:

Permittee shall submit to the State Water Resources Control Board on or before December 31, 2000, a summary of the existing and proposed construction and water use within the community and scheduled of development leading toward completion of the project by December 31, 2009.

2. Condition 9 of the permit is amended to read:

Complete application of the water to the authorized use shall be made by December 31, 2009.

3. Condition 16 of the permit shall be amended and read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law Public Trust Doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of licenses without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the license in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

4. Condition 18 is added to the Permit to read:

The maximum rate of diversion to offstream storage shall not exceed 0.385 cubic foot per second under this permit, licensed Applications 9678, and 18161, and permitted Application 28444.

(000005j)

5. Condition 19 is added to the permit to read:

Permittee shall install and properly maintain devices satisfactory to the State Water Resources Control Board to measure the instantaneous rate and quantity of water diverted under the permit. A record of such diversions shall be maintained by the permittee and provided to the State Water Resources Control board with the "Report of Progress by Permittee" and/or "Report of Licensee".

(0000046)

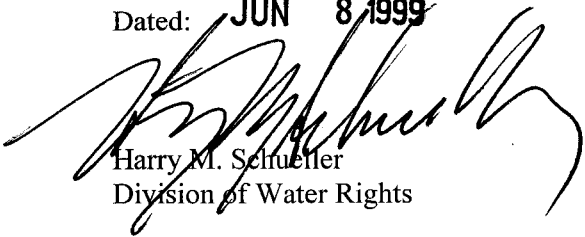
6. Condition 20 is added to the Permit to read:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

Dated:

JUN 8 1999


Harry M. Schueller
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23729

PERMIT 16454

LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 1, 1990 (0000008)

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETED APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 1, 1992 (0000009)

3. A Paragraph 16 is added as follows:

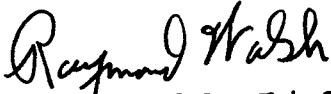
Pursuant to California Water Code Sections 100 and 275, all rights and privilege under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

4. Paragraph 17 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. (0000029)

Dated: ~~NOVEMBER~~ 23 1982



Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16454

Application 23729 of SKY-L HONDA MUTUAL WATER COMPANY
STAR ROUTE, BOX 2, WOODSIDE, CALIFORNIA 94062

filed on MARCH 16, 1971, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

LA HONDA CREEK

SAN GREGORIO CREEK THENCE
PACIFIC OCEAN

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
NORTH 200 FEET AND EAST 180 FEET FROM SW CORNER OF NW 1/4 OF NE 1/4 OF SECTION 26,	NW 1/4 of NE 1/4	26	6s	4W	MD
	1/4 of 1/4				
	1/4 of 1/4				
	1/4 of 1/4				
	1/4 of 1/4				
	1/4 of 1/4				

County of SAN MATEO

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
DOMESTIC AND FIRE PROTECTION	WITHIN SECTIONS 25, 26, AND 36, T6S, R4W, MDB&M.					

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 0.3 CUBIC FOOT PER SECOND BY DIRECT DIVERSION AND 49 ACRE-FEET PER ANNUM BY STORAGE, TO BE DIVERTED AND COLLECTED FROM DECEMBER 15 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR. THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCE UNDER LICENSE 5497 (APPLICATION 9678), LICENSE 6606 (APPLICATION 18161), AND THIS PERMIT SHALL NOT EXCEED 80 ACRE-FEET PER WATER YEAR OF OCTOBER 1 TO SEPTEMBER 30.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE. (000005)

6. The maximum quantity herein stated may be reduced in the license if investigation warrants. (000006)

7. Actual construction work shall begin on or before nine months from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (000007)

8. Said construction work shall be completed on or before DECEMBER 1, 1974. (000008)

9. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1982. (000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)

11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water. (000012)

12. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000011)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000013)

14. PERMITTEE SHALL INSTALL AND MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (0050043)

15. IN ORDER TO PREVENT DEGRADATION OF THE QUALITY OF WATER DURING AND AFTER CONSTRUCTION OF THE PROJECT, PERMITTEE SHALL FILE A REPORT PURSUANT TO WATER CODE SECTION 13260 AND SHALL COMPLY WITH ANY WASTE DISCHARGE REQUIREMENTS IMPOSED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, OR BY THE STATE WATER RESOURCES CONTROL BOARD. (0000100)

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUG 7 1972

STATE WATER RESOURCES CONTROL BOARD

K.L. Woodward
Chief, Division of Water Rights